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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/516,076 03/01/00 KOLACZ

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EXAMINER

NGUYEN, D

ART UNIT

PAPER NUMBER

3752

DATE MAILED:

11/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/516,076

Applicant(s)
David J. Kolacz

Examiner
Dinh Nguyen

Group Art Unit
3752



☒ Responsive to communication(s) filed on Mar 1, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5, 8, 9, and 12-14 is/are rejected.

☒ Claim(s) 6, 7, 10, and 11 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 , 2 , and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al.

With respect to claims 1 and 12, Evans discloses a portable monitor with a socket 2, a ball 1 disposed in the socket 2, a trunnion 18 for joining the ball 1 and the socket 2 as shown in figure 4

With respect to claim 2, Evans g discloses a socket 2 is upstream from the ball 1 as shown in figure 2.

With respect to claim 13, Evans discloses a trunnion 18 is substantially horizontal as shown in figure 2.

With respect to claim 14, Evans discloses a portable monitor as stated in column 1, lines 18-20 and shown in figure 1.

3. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Gillick.

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Gillick discloses a pivoting conduit a first socket 9, a first ball 16, a second socket 10, a second ball 17, a first axis of lug 22 oriented at a right angle to a second axis of another lug 22 as shown in figure 1.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. in view of Martin.

Evans teaches all the limitations of the claim except for a socket which is downstream from a ball. Martin discloses a socket 12B is positioned downstream from a ball 25 as shown in figure 2. It would have been obvious to one having ordinary skill in the art to have provided the device of Evans with a socket which is downstream from a ball as suggested by Martin, since it would provide a way to support and secure the socket to the ball.

6. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al.

Evans teaches all the limitations of the claim except for a second trunnion. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide the device of Evans with a second trunnion, since it has been held that mere duplication of

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the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

7. Claims 5 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. in view of Schnipke.

Evans teaches all the limitations of the claim except for a one -way break. Schnipke discloses a one-way brake 702 as shown in figure 1. It would have been obvious to one having ordinary skill in the art to have provided the device of Evans with a one-way break as suggested by Schnipke, since it would provide a way to prevent unwanted movement of the nozzle.

Allowable Subject Matter

8. Claims 6, 7, 10, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 557,779 to Gorter, and 3,612,408 to Holleman are cited to show a nozzle with ball and socket. The Sparling et al. patent is cited to show a portable monitor with a ball 41 and a socket 42 as shown in figure 3.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Nguyen whose telephone number is (703) 305-0248.

dqn

November 3, 2000



Patrick Brinson
Primary Examiner